

S/N 10/783,872
AMENDMENT

ATTY DOCKET NO. 0253-0001

1. (Currently amended) A fence module for use in a burrowing-animal discouraging modular fence, comprising:

a plurality of generally parallel elongate members each having an upper end and a tapered lower end;

upper and lower crossbars connecting said plurality of elongate members in a row with comprising a pair of end members and a plurality of intermediate members, wherein said elongate members have a spacing of between about 1 inch and about 2 ½ inches, each of said upper and lower crossbars comprising a continuous, solid and unbroken member;

a connector extending outwardly beyond at least one of said pair of end members for closely connecting said module to another module;

said tapered lower ends of said elongate members extending at least about 3 inches below said lower crossbar for insertion into ground;

said elongate members extending at least about 16 inches above said lower crossbar.

2. (original) A fence module according to claim 1, wherein said upper crossbar extends across and covers said upper ends of said plurality of elongate members.

3. (original) A fence module according to claim 1, wherein said spacing between said elongate members is uniform.

4. (original) A fence module according to claim 1, wherein said elongate members are tubular.

5. (original) A fence module according to claim 1, wherein said module is made from aluminum.

6. (original) A fence module according to claim 1, wherein said row of elongate members is generally straight.

7. (original) A fence module according to claim 1, wherein said row of elongate members is curved.

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8. (original) A fence module according to claim 7, wherein said curved row of elongate members forms an arc of between about 30° and about 90°.
9. (original) A fence module according to claim 7, wherein said curved row of elongate members forms an arc of between about 60°.
10. (original) A fence module according to claim 1, wherein said module is about 2 feet long.
11. (original) A fence module according to claim 1, wherein said elongate members extend between about 16 inches and about 24 inches above said lower crossbar.
12. (currently amended) A fence module for use in a burrowing-animal discouraging modular fence, comprising:
- a plurality of generally parallel elongate members each having an upper end and a tapered lower end;
 - upper and lower crossbars connecting said plurality of elongate members in a row with comprising a pair of end members and a plurality of intermediate members, wherein said elongate members have a spacing of between about 1 inch and about 2 ½ inches, each of said upper and lower crossbars comprising a continuous, solid and unbroken member;
 - two pairs of lips, each pair comprising upper and lower lips, each pair of lips extending outwardly beyond a corresponding one of said pair of end members, each of said pairs of lips providing guides for receiving an elongate stake for connecting each pair of lips to a corresponding pair of lips on another module, wherein said elongate stake includes a tapered lower end for insertion into ground, wherein spacing between said elongate stake and the corresponding end member is not more than about 2 ½ inches;
 - said tapered lower ends of said elongate members extending at least about 3 inches below said lower crossbar for insertion into ground;
 - said elongate members extending at least about 16 inches above said lower crossbar.

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13. (original) A fence module according to claim 12, wherein said spacing between said elongate members and between said elongate stake and said corresponding end member is uniform.

14. (currently amended) A modular fence for discouraging burrowing animals, comprising:

a plurality of modules each having;

a plurality of generally parallel elongate members each having an upper end and a tapered lower end;

upper and lower crossbars connecting said plurality of elongate members in a row ~~with~~ comprising a pair of end members and a plurality of intermediate members, wherein said elongate members have a spacing of between about 1 inch and about 2 ½ inches, each of said upper and lower crossbars comprising a continuous, solid and unbroken member;

two pairs of lips, each pair comprising upper and lower lips, each pair of lips extending outwardly beyond a corresponding one of said pair of end members, each of said pairs of lips providing guides for receiving an elongate stake for connecting each pair of lips to a corresponding pair of lips on another module;

said tapered lower ends of said elongate members extending at least about 3 inches below said lower crossbar for insertion into ground;

said elongate members extending at least about 16 inches above said lower crossbar;

wherein some of said plurality of said modules each include a generally straight row of said elongate members;

wherein some of said plurality of said modules each include a curved row of said elongate members;

wherein said elongate stake includes a tapered lower end for insertion into said ground, and wherein said elongate stake is no more than about 2 ½ inches away from said corresponding end members of said connected modules.

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15. (original) A modular fence according to claim 14, further comprising an anchor brace inserted into said ground, said anchor brace having a cross section that is larger than said elongate stake and said members and at least one lip protruding outwardly from said brace, said lip of said brace including a guide for receiving said elongate stake.

16. (canceled).